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In re Application of
MEIER FEDER, ET AL.
U.S. Appl. No.: 08/817,549
PCT No.: PCT/US95/13296
Int. Filing Date: 17 October 1995
Priority Date: 18 October 1994
Agent's File Reference: 27/89
For: APPARATUS AND METHOD FOR
COMPRESSING BINARIZED IMAGES

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicants' 17 July 2002 "Status Inquiry", which is being treated as a petition under 37 CFR 1.181 requesting that the "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909 mailed 02 July 1997) be vacated. The petition is **GRANTED** as follows.

BACKGROUND

On 16 April 1997, applicants filed U.S. application 08/817,549 as a national stage entry of international application PCT/US95/13296. A signed declaration was not included with the application papers. However, applicants provided an authorization to charge the filing fees to counsel's Deposit Account No. 06-2140.

On 23 May 1997, applicants filed a signed declaration, a small entity statement and an authorization to charge the surcharge in the amount of \$65 to counsel's Deposit Account No. 06-2140.

Notwithstanding the above, on 02 July 1997, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicant that U.S. application 08/817,549 is abandoned because applicants purportedly failed to provide the full U.S. Basic National Fee by 20 months from the earliest priority date as required under 37 CFR 1.494(b)(2).

DISCUSSION

A review of the application file reveals that applicants provided the Basic National Fee in a timely manner as the PCT Demand was filed prior to the expiration of 20 months from the priority date. The time period for filing the Basic National Fee expired on 18 April 1997. The Form PCT/DO/EO/909 mailed 02 July 1997 was sent in error. However, the declaration filed on 23 May 1997 is defective under 37 CFR 1.497 because it fails to identify all the inventors. The international application identifies three inventors, whereas the declaration only identifies two of the three inventors.

CONCLUSION

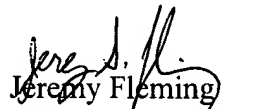
Accordingly, the Form PCT/DO/EO/909 mailed 02 July 1997 is hereby VACATED.

Accordingly, this application is being returned to the DO/EO/US to prepare a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/905) indicating an oath or declaration and the surcharge for submitting an oath or declaration later than 30 months from the earliest priority date.



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